

STATES OF JERSEY



ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) – SECOND AMENDMENT

Lodged au Greffe on 30th April 2014
by Deputy R.G. Le Hérisier of St. Saviour

STATES GREFFE

PAGE 2 –

After the words “the revised draft revision to the Island Plan 2011” insert the words –

“except that –

- (a) the following site be removed from the list of sites to be zoned for Category A housing at Policy H1: Category A affordable housing sites (on page 245):
 - ‘7. Longueville Nurseries, New York Lane, St. Saviour (1.5 acres/3 vergées)’;
- (b) the revised draft revision to the Island Plan 2011 and the Proposals Map be further amended in such respects as may be necessary consequent upon the adoption of (a);”.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

Despite a thorough debate and rejection of this site as suitable for rezoning in the 2011 Island Plan debate, it has been resurrected as a Category A housing site.

Significantly, the numbers of proposed dwellings have risen from 15 to 24, and possibly to 27.

This number is minor in comparison to the overall stated need, and it begs the question of why this site is once more in play, given that the arguments against building have not really changed. If anything, the argument for a return to agriculture has strengthened, insofar as the Planning Department have used post-2011 policy to insist on the continuation of employment uses on sites where they currently exist or previously existed.

WHY THIS SITE SHOULD BE REJECTED

1. **There is still a case for returning the site to agriculture**

The Department has resisted the takeover of some glasshouse sites by housing. Why is this an exception?

Much of the discussion around this site in 2011 revolved around the question of whether it was a Brownfield or Green Zone site – if the former, there was a strong case for housing. There is a complication in that the site holds a retail licence.

These related issues were discussed at length in the 2011 debate, and I refer members to the contributions of the then Senator J. Perchard and of Deputy R.C. Duhamel of St. Saviour on this aspect (see **Appendix 1**). There was an attempt in 2011 to argue that, as it was a Brownfield site, it had reached the point of no return, and could not be returned to agriculture. If permission were to be granted on these grounds for this site, the question would undoubtedly arise of how it is different to other glasshouse sites, and why is it not being treated as Green Zone with the presumption against development?

Is the retail licence sufficient to give it a different status? I think not and, indeed, other glasshouse owners who have had development denied would rightly feel aggrieved were permission to be granted. Indeed, the question arises of whether the whole site should eventually become subject to a Disrepair and Disuse Order, thus allowing its return to agriculture.

More housing has been recommended by the expedient of re-arranging the top boundary. It is asserted that this will not materially affect the landscape character. This is a site bounded on 3 sides by worked agricultural fields so it is, irrespective of adjustments to the top boundary, a major incursion into the Green Zone. Inevitably, there will be planning creep, as owners of the adjacent fields argue the case for fill-in development. This process unfolded in Rue des Patiers when the first development was in place. Once that happened, the case for infill almost became irresistible. Given this site is on the edge of urban St. Saviour, the pressure to fill in will be opened up by approving this development.

2. Traffic

There has been an improvement in visibility following the redevelopment of the site at the end of New York Lane. However, it has not eliminated the difficulty of the turn necessary in travelling in the Town direction. Rue des Près remains a busy road, and this will undoubtedly intensify its use. It is argued that the decline in fulfilment has led to a traffic decline from the Trading Estate, but there are developments in Grouville such as the Jersey Potteries site which result in more traffic. Unfortunately, I can find no traffic survey to support my contentions or those arguing there is less traffic. That said, I understand that Transport and Technical Services has concluded that the impact on traffic is neutral. I find that difficult to understand, given that the traffic flows to and from a housing estate of working people are different to those of a retail centre.

3. Size of contribution to housing

I wonder why, having been rebuffed in 2011, the scheme has been resurrected by Planning? The Parish has made major contributions to the housing provision, like Langtry and Belvedere. Why promote a site for such low numbers which will have a disproportionate impact and is really a wedge into the Green Zone?

CONCLUSION

In the writer's view, there are no convincing reasons why this site should be built on now. The arguments from 2011 hold, and were expressed in the round by then Connétable P.F.M. Hanning of St. Saviour (see Appendix 1).

I do accept the frustration of owners of glasshouse sites (albeit this one is overlain by the retail issue) who seek a degree of development, and who are not helped by existing in a kind of limbo where they are denied development, but yet are not legally compelled to return the site to agriculture. By leaving the situation hanging, the impression is given to such owners, that they might eventually get permission for development.

That said, I believe that this site is unsuitable and, if permission were to be granted, it would open the door to other incursions into the Green Zone.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this amendment. Indeed, resources would be saved by not doing further work on this proposal.

EXTRACTS FROM HANSARD TRANSCRIPTS

States Sitting of 23rd June 2011**“1.6 Island Plan 2011: approval (P.48/2011): fourth amendment (P.48/2011 Amd.(4))****The Bailiff:**

You are opposing this one? Very well. Then I invite Senator Perchard to propose his amendment.

1.6.1 Senator J.L. Perchard:

It is a shame I have not got 3 amendments. Perhaps the Minister might have accepted the third one but ... I thank the usher for putting up the map and thank the officers of the Department of Environment for supplying me with the map that shows clearly the site as outlined in the first draft of the Island Plan, the draft that the Minister proposed to include Longueville Nurseries as a site for the delivery of category A housing. One can easily understand why the officers of the department and the Minister thought this site suitable for housing at that time. Longueville Nurseries is a genuine brownfield site and one that could not effectively be brought back to agricultural use. It has been used for glasshouse growing since the 19th century and modified since subsequently. There is a substantial area of hard standing where the topsoil has been removed and replaced with hardcore and concrete and I am sure even Members will know that is not a very good medium for the growing of crops. The site is relatively close to town and is conveniently located for bus routes, shops, the bank, the doctor's surgery, Rue des Près trading estate and the Plat Douet Primary School. The sales building on the site was approved as a retail unit by Planning and a retail unit without restriction. There is nothing technically that the Planning Department could do to prevent it being taken over by a corner shop or a D.I.Y. (Do It Yourself) sales outfit or a small supermarket or any sort of retail use. The retail permit on this site was formally granted and has been implemented and cannot technically be revoked. As I say, this is not a greenfield any more. I do not believe that we want to see retail use extended or different retail use on the site and it would be sensible to use part of the site, as is proposed in the first draft of the plan, for housing. The one acre site, as I say, comprises of the car park, the retail building and the lower growing area could accommodate 15 homes. I did mention in my report, because there was some confusion when I saw the size of the site and the yield is 10 to 15 homes per acre and if you will permit me, the site was originally proposed to include all that, all this area to the north of the red line. To the north of the red line, the site starts to go uphill and obviously the impact visually would be much greater. So despite the request at the Examination in Public from the representative of the owners to include the whole site, the planning inspectors and, indeed, the Minister at the time, thought just the lower part would be more appropriate. So this is what I am proposing. Members will be aware that the site was subject to the full rigour of the E.i.P. and the U.K. inspectors say clearly and I quote: "Taking a holistic view of the overall strategy of the Island Plan, the need for affordable housing and the alternatives which are available, we strongly believe that those 2 sites [referring to Longueville and the Samarès Nurseries] were correctly included in the Island Plan and must be retained if the housing aims of the plan are to be achieved." I share the concerns of other Members and the E.i.P. inspectors that there is a widely accepted affordable homes crisis and that the draft Island Plan may

not be able to deliver sufficient affordable homes, at least in the short term. I have got to say I am a little bit disappointed that the Minister has removed this site from the latest draft of the plan on basically of the opposition of the Constable of St. Saviour. The Connétable gave evidence at the E.i.P. and has been consistent, in fairness to him. He argued that the Parish had met its fair share of development and he said that this was another example of creep with pieces of land being gradually infilled and there were traffic problems, especially at the nearby junction. I have looked carefully at the nearby existing junction of Newark Lane on to the Longueville Road. It is here. This junction has served the lane and the garden centre for many years without real problems but Members can be reassured that if planning consent were to be granted, the turning circle and visibility to the west could be easily improved should it be felt necessary. The inspectors weighed up all the evidence, including the supportive document from the Highway Authority, the T.T.S. (Transport and Technical Services) Department and presumably arrived at the conclusion that 15 homes would generate far less traffic movement than the existing or any other commercial activity and clearly recommended that the sites be retained in the plan for the provision of category A housing. I say I was disappointed with the Minister and the fact that he had removed the site is perhaps just a bit of an understatement because the Minister, against all reasonable advice, and the clear recommendation of the Inspectors and the background of the mounting crisis for the delivery of affordable homes, decided on his own for the now well-rehearsed reasons to pull this brown-field nursery site from the draft plan. Despite the few localised objections, it is important to reiterate that the E.i.P. inspectors made an unequivocal recommendation to the Minister and the States in their report that the Minister should not delete the allocation of this site for category housing from the plan. Importantly, and this will interest Members I know, the owner has advised me that he has engaged a developer with a long track record of developing first-time buyer houses at affordable prices. I am also advised that the developer has a necessary funding ready to invest and has stated that he would build 3-bedroom family homes for £300,000 on the Longueville site, given the opportunity. I maintain that the price that a local purchaser is required to pay for a home or a developer required to pay for a site is dependent on the availability of supply. Market forces do exist in these areas. Availability will bring down prices. This development proposal is a modest one, a small development of up to 15 desperately needed category A homes. I wish to inform Members that, given planning permission, these homes could be completed within a year of the commencement of the groundworks. I ask Members to support my amendment to include Longueville Nurseries as outlined on this plan and on page 12 of my report in the 2011 Plan.”

“1.6.10 Deputy R.C. Duhamel:

I have just a few points. Senator Perchard made a couple of comments at the beginning of his speech suggesting that if a field was designated as a brownfield site, which in my view is a bit of a misnomer but I will explain that a little later, then that automatically implied the greater expectation that that field should be supported in this development into housing or future use in some other different area. That is not case and certainly there are policies within the Island Plan and previous Island Plans to restore sites that are in a brownfield state back to an agricultural, free open space land status. Members do not have to cast their minds back particularly far to remember the arguments that were put forward for the glasshouses that were opposite Maufant Vineries and we were told because those glasshouses fell into disrepair that bringing that land back into an agricultural state was technically impossible because the glass had shattered and there were glass shards and whatever. For those Members who drive down that road on their way home to their country estates, they cannot but admire the

greenfield sites that have been put back. The States, for once, got the bit between their teeth and decided rightfully to pursue the bad advice or the bad notions that were coming forward that these things could not be done, and insisted on the recovery of those fields. So, we have done it before and I would argue that we can do it again. Within the Island Plan it does suggest that glasshouses are to be considered as temporary structured and can be removed; so it is absolutely laughable that we are having Members come forward making the statements that because there are glasshouses on this particular site ... there is not a lot of glass down there to tell you the truth; there are structures and they are covered structures but even if they were not glasshouses or anything else, these structures can be removed. You get membranes put down underneath them to allow the public not to get their feet muddied when it is raining, looking at the garden plants and things that they are purchasing, but the whole thing can be cleaned up, hard tarmac areas can be dug up, topsoil can be purchased, indeed we have got compost being made, and there are other communities and societies that use this material to recover the topsoil nature that has been taken away in the past. So, I do not think it does follow that just because it is down here as a designated brownfield site that it should automatically be seen in a different context, when the light determines that it should be developed. It can be put back to agricultural use. In fact, it is a little bit hypocritical of this House to be suggesting perhaps that that is what we would have been doing or will do or should have been doing when we were discussing Amendment 10 brought by Senator Perchard over Thistlegrove. We were all agreeing that it was a brownfield site and there were things there that perhaps should not have been built over the last 5, 6, 7 or 8 years or whatever – chicken sheds and what have you – when in actual fact if you went back in time not much further, all those fields were green. So, we can put these things back. I remember because I have been in this House long enough to have seen 2 former Island Plans when, in a previous Island Plan situation we were promised that the building in a built-up area would not extend over the Longueville Road, that is going, kind of, eastwards and northwards. Those promises were broken successfully by the Housing Department at a later stage when we brought forward the plans for Le Bernage. They were greenfield areas again that have been built on and we have enhanced the traffic problems just outside the Longueville hotel. The road that goes into Rue des Près is heavily trafficked, as everybody knows if they shop at the supermarket within the Rue des Près area, and residents have been asking for a long time for crossing facilities or indeed to solve the problems of the pinch points because you lose the visibility as you come around the corner, for perhaps the whole junction to be sorted out and given a set of traffic lights. If we start increasing the boundary of the built-up area we are going to intensify the usage on that particular point. While I would possibly say, yes, there is a huge improvement if that meant we could have the set of traffic lights; the cost of traffic lights is £80,000 or £100,000, perhaps, to put in, and I think that as a planning gain for the loss of this particular site is not big enough to warrant the forfeiture of the open space.

[16:30]

What annoys me with this particular application as well is the suggestion that we are doing the right thing. I think, with all these arguments, it is wrong to get too heated over the narrowness of the particular proposition that is being put forward and we should really, kind of, step back a little bit and see whether or not the heated argument is warranted for the benefit it is going to bring. We have been told that over the planned period of the next 10 years we are going to be looking for the completion of some 4,000 units of accommodation, 1,000 of which are supposedly going to be affordable. In this context we are talking about 10 units or maybe 15 units, so it is a very low density and if those units are all going to be built affordably, and we heard

from the Minister for Planning that there is no guarantee that they will because they are category A and some negotiations and deals will have to be undertaken to try and keep the prices to an affordable level – we have not really defined what “affordable” is as yet – then we are talking about 10 houses out of the total 1,000 that are required. I think for the percentage that we are talking about it is too small to be making the fundamental difference to the policies that are being proposed. If, indeed, and this is really the thrust of the Island Plan at the moment, that the supply of affordable housing through the new policies can deliver the solution to the problem that we all want in a long-term fashion then all to the good. Certainly what cannot be applied is that if we did endorse the take-up of these 10 units, that that would solve our problems. It would not; it would only give you 10 houses out of the 1,000 or the 4,000 that we are looking for. Quite clearly it is a little minnow of a proposition and it does not solve the bigger issues that have got to be solved in this new, novel particular fashion. The other thing is that in extending areas I have always been one to admire the style of planning that takes place in Europe where we have the notion of compact developments. Unfortunately in the U.K. that is not always the case and the Anglo Saxon ethic is generally to, kind of, build everywhere with an urban sprawl. Certainly, if you look at the proposed plan, we do have a piece of greenfield land, some of which may have been in the ownership of Senator Ozouf, which is why he is not here, and there have been discussions as to whether or not those fields too could not be brought into the urbanised area. The proposal at the moment has got all the hallmarks of classic ribbon development, albeit that the site is already being used for a commercial purpose, but as I mentioned earlier, that commercial purpose could be extinguished longer term if the House wished and the whole area properly greened in a way that perhaps it was before.

Senator J.L. Perchard:

I wonder if the good Deputy would allow me just to interject there because I think in fairness he may unintentionally be sending the House up a dark avenue. There is an existing retail permit on the site and the speaker is choosing to ignore that fact. Would he address it?

Deputy R.C. Duhamel:

Yes, certainly. I do not think I am ignoring it; I am suggesting that the commercial usage of that site does not necessarily imply that there is going to be any different commercial usage into the future. Indeed, if the States wished I could see further restrictions being placed at some stage to bring that site back into the Green Zone designation into which it would be zoned as. The counter to that, as being suggested by Senator Perchard, is that, as I mentioned earlier, because it has a commercial usage at the moment and it is designated brownfield, that means that it will only ever be that or housing and that is not the case; that is not how the planning system works. Anyway, getting back to the point I was making, that compact development is generally the best way, I think, for keeping constraints over the urban envelope and if I were intending to extend the urban envelope of St. Saviour, of which I am one of the Deputies, then this is not the piecemeal way that I would be choosing to do it. It promotes a form of development that we have discounted over the previous Island Plans. We do not support the idea of ribbon development and ribbon development generally is development in places which is termed to be sporadic in the sense that we have greenfield spaces in between built-up areas and that is exactly what we are looking at. So, if we did go for supporting this particular site I think it would not be very long because the whispers in the commercial corners of the world have already been heard to be suggesting that perhaps the fields in between should automatically,

not necessarily now but into the future, be considered for further development in order to round off the whole development. I think this is a thin end of the wedge and if we do go along with it I can see development marching up La Rue Saint Thomas to the extent of the northern end on that map, and I think probably the eastern end if you turn your map around the other way, but certainly the development being rounded off over and above the area that is outlined in red to include the other brownfield part which is part of the whole site. It does not really make sense, so obviously some negotiations have already taken place to only suggest that the tarmac area and a limited part of the site be considered as worthy for development whereas the other areas which do have greenhouses and other things on them – so technically all brownfield – should be excluded. We would be setting ourselves up for an inconsistency, I think, in more than one direction. I think the last point I want to make is that if, indeed, this site is put forward and agreed, who are the 10 or 15 lucky ones who are going to get a house in the countryside built at a very low density for perhaps an affordable or subsidised price and to what extent is that fair when we consider the other 990 units of affordable accommodation that everybody else is going to be offered? I think the difference between the 2 systems of development are too far to be acceptable and that we should be really backing as far as possible the Minister for Planning's proposals to sort out the affordable homes policy in a way that truly does deliver a solution over the time period that is considered. Ten units here do not solve the problem. I think, for all those reasons, I cannot support this particular application and I would urge other Members to think of the wider issues before they vote.”

States Sitting of 24th June 2011

“1.1.10 Connétable P.F.M. Hanning of St. Saviour:

Nobody will be surprised to hear that I oppose this, because I have opposed it before with the Minister and his inspectors and I intend to continue to oppose it. The proposer of the original proposition has run through an awful lot of the reasons why it should be opposed. Basically he has put them down to me, and I am very grateful for that because he has done it so well the Minister is opposing it, and I think quite rightly so. He has mentioned that there is a suggested developer and I have to say the developer that they are talking about has a good reputation for building houses at a reasonable price. I do not have a problem with him. The problem I have is that the parishioners do not want any houses there, regardless of how cheap they are. Traffic is an issue. We know that there will be less traffic in total, but the problem is - and the inspectors agree when it was discussed with them – that the traffic will be at peak time. It will be coming out and having to turn through approximately 125, 145 degrees against the traffic, and that traffic is nearly all going into Rue des Près Trading Estate. It is very heavy at peak times, and that is when there will be a problem. Deputy Maçon has highlighted the problem with people trying to cross the road. It is not a safe area for people to walk. At other times of the day you have got very large lorries going in and out of the trading estate. You have got hundreds and hundreds of people working in that estate and they nearly all turn up by car, and it is a very busy area. We are just going to be making it worse. The issue about the quality of the land at the site has been raised. It is quite true a lot of the topsoil has been removed, and this was done genuinely by the owner when he was running his nursery to make it easier to stand pots and so on there. That is understandable. But the fact remains, as Deputy Duhamel has said, topsoil can be returned. It can be reinstated. We have got to be very careful that we do not consider the fact that topsoil has been removed from the site to be a reason why it should be taken as a brownfield site and taken out of use for agriculture. The problem we have got is that although in planning technically we say there are no

precedents, lawyers and everyone else will raise the subject of precedent every time we get applications for housing. If we make use or allow to be made use the argument that the soil is unusable for working because it has been removed, we will end up with lots of sites where owners, perhaps unscrupulous, will remove soil and then they will say: "Oh, well, look, there is no good quality soil here. It cannot be used. We will be creating a precedent. That must not be allowed to happen." Another reason for opposing this, and again it has been mentioned, is the creep – the increasing development. If you look at the aerial photo there, alongside the designated area, just to the west of it, is another field. It has already been suggested that that field should be used as an infill and more should be built. Now we can say we are only zoning at the moment what is surrounded by that red line. Unfortunately there is nothing in the law to stop anybody applying for another site. So we know we will be getting applications to infill. This is just another stage. The Parish has had it relentlessly. I think it was Deputy Higgins in Amendment 10 said that everything goes to St. Helier, St. Saviour and St. Clement. He is not far wrong. It is a slight exaggeration, but he is not far wrong. The parishioners of St. Saviour believe we have done our share in providing housing. We really have got a lot of housing on our Parish. We have got a new estate at Les Serres, we have got a new estate up opposite St. Saviour's Hospital, we are having just over 80 houses built up on the old dairy site, we are going to have just over two-thirds of the lifelong homes built just above our Parish Hall. This is a tremendous amount of development in the Parish. I do not know if Members are aware, something like 20 per cent of all of the housing in St. Saviour – and it is the second most populated parish in the Island – something like 20 per cent are social rented housing. It is an incredibly high figure when you think about it. I think this Parish does enough for social rent in the Island. We are still having development there and I think we ought to bear that in mind. The parishioners really feel that we do not want continual development simply because we are close to town. They want to stop this creeping urbanisation. I think yesterday Deputy Southern in the Amendment 10 said: "Do not put housing close to industrial areas." I would like to remind Members that although we do have housing close there, this is the biggest trading and industrial estate in the Island, and we are talking about putting more housing there.

[9:45]

It does not make sense. It really does not make sense. I think, if I can just shuffle through my notes, the site has been mentioned that it is working as a nursery now. It could be used for retail because there is retail sale on it. I have to say, being in an area close to a trading estate, I would rather see a retail area there than extra housing, because it would be easier for the people that are living there. It may stop further development of housing. What we want is for the nursery that is running as a nursery there, to continue to run as a nursery. They do not want housing. I think, finally, I would say Senator Le Main raised the subject of our field office at St. Saviour where we had our very large meeting about it. The Parish spoke very clearly that evening. They do not want further development, and they do not want it not just on that field, they do not want it in the Parish. They want to stop the creeping development that we have had, year after year. I undertook at that meeting that I would fight any further development on that field and anywhere else in the Parish, and I think there is support throughout the Parish for stopping us being taken advantage I think is probably the politest way of putting it, because of our position close to town. We have done our share. Parishioners really do not think that we should be extending the town ever further outwards to the north and to the east. I would ask Members, please consider the situation. We have done our share. This is not a site that is ideal for development. It will cause further problems, and I ask Members to oppose it."

“ Department of the Environment
Planning and Building Services
 South Hill, St Helier, Jersey, JE2 4US
 Tel: +44 (0)1534 445508
 Fax: +44 (0)1534 445528



Island Plan interim review (1)

H1(8): Longueville Nurseries, St Saviour
Planning status

Arising from discussion on Day 2 of the Examination in Public at the session related to those sites proposed for rezoning to provide affordable homes, the Inspectors sought further information about the planning history of the Longueville Nursery site. This note sets out factual information relating to the planning history of the site and provides further information about the planning status of the site derived from correspondence about a development enquiry.

Longueville Nurseries was established by Mr H in the early 1980's as a nursery for the production of trees and shrubs for sale by retail and wholesale and for the purposes of Mr H's landscape gardening activity.

Several planning applications have been made by Mr H over the years to improve and extend Longueville Nurseries in which the applicant has consistently described the use of the land as a 'nursery' or 'nursery and garden centre'. Although retailing has taken place within the garden centre structure it is clearly integral to the nursery and, therefore, ancillary to the approved nursery use. A nursery / garden centre use is not listed as a 'shop' use in the Use Class Order (Planning & Building Law (General Development) (Jersey) Order 2011, nor was the term used in any earlier version of the planning law, accordingly the use is regarded as sui generis.

In 2004, Mr H wrote to the department giving a history of the business, stating that 'The very nature of garden centres has changed radically over the intervening period with far less plants being sold compared to assorted dry goods, gifts etc and in most cases all plants being bought in anyway.'

It is clear from Mr H's description that his business model had changed and the use was predominantly retail, however, the original approved use of the land as a nursery / garden centre has not changed. Unlike the UK, the Jersey Planning Law makes no provision for established use and, therefore, the original approved use of the land still prevails.

A chronology of planning decisions made since the 1 January 1980 is attached in appendix A.

Recent advice provided by the Director of Development Control to the landowner's agent, MS Planning (see Appendix B,) in relation to a proposal to use the site for car sales, whilst supportive of the proposals, reinforces the view that the proposal would involve a change of use.

Appendix A

Since the 1 January 1980, the following decisions have been issued by the Minister for Planning and Environment:

Planning permission was granted in March 1980 for 'Part demolition of glasshouse and repair remaining, construct three bedroomed two-storey house' at 'Field 729, New York Lane, St Saviour'.

The following condition was among those attached to the approval:

That this approval is granted subject to main drainage being achieved to the satisfaction of the technical departments concerned.

Planning and building permission was granted in January 1981 for 'Demolish shed and erect sectional timber hut on existing foundation' at 'Field 729, New York Lane, St Saviour'.

Work was completed in February 1981.

Planning permission was granted in August 1981 for 'Erect 7 polythene tunnels each approximately 65' x 14'. Renovate glasshouse, form potting shed, service yard and access track onto Rue Messervy' at 'Field 729, New York Lane, St Saviour'.

The following condition was among those attached to the approval:

That details of surface water disposal are to be submitted to the Island Development Committee.

That in the event of the units falling into disrepair or disuse then they shall be removed from the site and the land reinstated to conventional agriculture use.

Planning permission was granted in February 1987 for 'Sectional timber shed as temporary office next to existing shop' at 'Field 729 & 740, New York Lane, St Saviour'.

The following conditions were among those attached to the approval:

That this permission is granted for a temporary period of two years only.

That should the shed fall into disuse or disrepair, then it shall be removed from the site.

Planning permission was granted in March 1988 for 'Erect five foot high timber fence and create single parking space on south side of garden' at 'Field 741A, New York Lane, St Saviour'.

A planning application for 'Demolish existing greenhouses and shed. Construct new nursery building with sales, stores, hire department and shop' at 'Longueville Nurseries, Fields 729 & 741A, New York Lane, St. Saviour' was refused in August 1989.

The following reason for refusal was attached to the decision notice:

That the proposal is contrary to Policy CO4 of the approved Island Plan because it involves a substantial extension to commercial premises in the Green Zone.

A planning application for 'Demolition of 2 existing sheds and construction of glass building to house garden centre including office and toilets' at 'Longueville Nurseries, Fields 729 & 741A, New York Lane, St. Saviour' was refused in July 1990.

The following reason for refusal was attached to the decision notice:

The proposed garden centre building is contrary to Policy CO4, of the Island Plan as it involves a substantial extension to the commercial premises in the Green Zone.

Planning permission was granted in October 1990 and planning and building permission was granted in April 1991 for 'Construct glass building to house garden centre including office and toilets' at 'Longueville Nurseries, New York Lane, St. Saviour' but was then superseded by a revised permit in July 1992 with the addition of revised plans showing 'Resiting of glasshouse. Office and W.C. layout revised'.

The following conditions were among those attached to the approval:

That should the glass garden centre building fall into disuse or disrepair, it shall be removed from the site and the land restored to the satisfaction of the Island Development Committee.

If any trees and shrubs planted in accordance with the approved landscaping scheme fail to survive within five years of planting they are to be replaced in the next planting season after failure with trees and shrubs of similar size and species to the satisfaction of the Planning and Environment Committee.

That any new or replacement signs shall be subject of a separate application.

Work was completed in May 1993.

Planning permission was granted in January 1993 for '2 illuminated signs' at 'Longueville Nurseries, New York Lane, St. Saviour'.

The following conditions were among those attached to the approval:

That all existing signs to the southern boundary of the site are removed prior to the erection of the new signs.

That the directional sign marked sign C on the plans is not approved due to its size and prominence within the Green Zone.

Planning permission was granted in February 1993 for '1 non-illuminated sign' at 'Longueville Nurseries, New York Lane, St. Saviour'.

The following condition was among those attached to the approval:

That the existing directional sign board is removed.

Planning permission was granted in February 1998 for 'Erection of single span polytunnel clad in polythene' at 'Field 729, New York Lane, St. Saviour'.

The following condition was among those attached to the approval:

That should the polytunnel fall into disuse or disrepair, it shall be removed from the site and the land restored to the satisfaction of the Planning and Environment Committee.

Planning and building permission was granted in July 1998 for 'Convert garage to study and existing bedroom to bathroom. Add balustrade to garage roof and new access to provide 1st floor balcony' at 'New York House, New York Lane, St. Saviour'.

The following condition was among those attached to the approval:

That all external materials to be used in the development shall match the appearance of those of the existing building to the satisfaction of the Planning and Environment Committee.

Work was completed in September 1999.

Planning permission was granted in March 1999 for 'Demolish existing shade canopy. Construct new shade canopy and five covered walkways' at 'Longueville Nurseries, New York Lane, St. Saviour'.

The following condition was among those attached to the approval:

Prior to the commencement of the development hereby permitted, a sample of the material to be used to cover the canopies shall be submitted to and agreed in writing with the Planning and Environment Committee.

Appendix B

Recent advice provided by the Director of DC to the landowner's agent MS Planning on proposed alternative use for the sale of motor vehicles.

Email from [name redacted], Director Development Control to [name redacted], MS Planning dated 11 April 2013.

'It is possible for the applicant to construct a case for the future use of the site for an alternative retail use. However, it will require careful justification in terms of the Island Plan policies and I think it would justify a full planning statement to accompany any planning application.

As you know the site lies within the green zone, wherein there is a general presumption against development. I know that you are familiar with the terms of policy NE7 so I will not repeat them here. The policy does contain some support for the re-use of existing buildings, notable at paragraphs 6 and (c). These paragraphs are not, however, specifically targeted at the type of development which you now propose (they more comfortably relate to uses which support the rural economy), but they do point to a principle which is helpful; that is, that existing buildings can be re-used. This is perhaps something you could refer to in your supporting planning statement, particularly if a change of use application were to show significant landscape improvements. The site does offer the potential to be tidied up and a package of measures could be an attractive catalyst for a different use of the site.

Also set out in the plan is policy ER10. Which presumes against the setting up of new retail uses outside the built-up area. No doubt you would seek to argue that the use for the sale of cars would not be 'new' but in fact a replacement for the existing garden centre use. This then goes to the heart of the other main hurdle to development on this site – the issue of the 'disuse and disrepair' condition on planning permission 9327/k. You will recall that I raised this with you in my email of 12th March this year. Although we somewhat skirted the matter during our site meeting, I think that this does represent an important issue which needs to be disposed of. Your client does have some choices in this matter. He could, for instance, seek to dispose of the condition by applying to remove it from the permit. Alternatively, he could deal with it as part of a larger application for a change of use to car retailing.

Regrettably at the time the condition was imposed , the department did not give reasons for the imposition of conditions on planning permissions. This leaves us in the position of having to guess at the reason for the Committee of the day adopting such a position. One could assume that, because the site was located in the Green Zone (in 1992, just as it is today), the Committee did not wish to see a permanent building located there. This assumption is further supported by the use of glass as the dominant material in the structure – it could have been used to give a temporary feel to the development, and one which is constructed of relatively low-cost material, appropriate to the use of the site as a garden centre. Whatever the reason, you will need to build a case that the existing building can still be used for a different purpose (other than a garden centre) and that this is appropriate on this site.

In terms of other Island Plan policies, your statement will need to demonstrate that the proposed use complies with policy E1 and also tackles the amenity considerations raised in policy GD1. You mention traffic in your email and I think it is sensible to provide some acknowledgment of that, which is also mentioned in paragraph 5 of policy GD1. Some assessment of traffic generation will be required. Finally, you should advise us of any change in surface material or landscaping which will be employed in the new use of the site.

In summary, and entirely without prejudice to the Minister's later consideration of a formal planning application, I can be cautiously optimistic of success for this proposal. There are two main issues which require careful justification and a well-argued supporting statement is a pre-requisite for an application such as this. There is some risk, of course, that the arguments put forward will not be successful and Mr H should be cognisant of that before he takes the plunge. However, with the right package of environmental and landscape benefits, I think that there is potential for Mr H to move forward positively'.

8/53/EiP
06/02/14”

Amendment to site boundary to:

- extend the site to the north-east



**Aerial photograph of site, taken from page 30 of:
2011 Island Plan: interim review – Schedule of amendments to the initial draft
revised Island Plan 2011 – March 2014**